

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Jerome R. Hodson : Case Number: 07-02085

Plaintiff : Judge Kathleen O'Malley

v.

Javitch, Block & Rathbone

Defendant

Affidavit

Plaintiff states under penalty of perjury that:

- 1) I have reviewed the "Statement of Facts" in the "Memorandum in Support of Defendant's Motion to Compel Arbitration."
- 2) It is not true that I "listed" the address of 101 Terrace Lane, **Cleveland**, OH 44144 when applying for a Capital One credit card in March, 2004 or in October, 2004.
- 3) I have lived in the City of Brooklyn, OH, since 1970 when I returned from Viet Nam and have never represented myself to live in Cleveland when applying for this or any other credit card.
- 4) My best recollection is that when I applied for the credit card I was asked to provide my home zip code. Based upon that, the "city" was assigned by the software system.
- 5) I had no understanding of what an arbitration agreement was in 2004 when I applied for these cards and did not knowingly agree to submit to arbitration by applying for a credit card.

8-9-07
Date

Jerome R. Hodson
Plaintiff printed name

Jerome R. Hodson
Plaintiff signed name

SWORN TO AND SUBSCRIBED before me this 9th day of August 2007.

Blake Owen Brewer
Notary Public
My Commission Expires 7/1/08

BLAKE OWEN BREWER, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 O. R. C